

General Scheme  
of a  
Certain Institutional Burials (Authorised Interventions) Bill

The purpose of this General Scheme is to provide the statutory basis and framework under which Government may decide to authorise interventions at certain sites where manifestly inappropriate burials have taken place associated with institutions operated by or on behalf of the State or in respect of which the State had clear regulatory or supervisory responsibilities; to permit excavations at such a site and to amend the Planning and Development Acts to make those works exempted development for the purposes of the planning code; to authorise exhumations from the site; and to provide a basis for identification using DNA samples from unidentified bodies exhumed and from people who are or may be close relatives of those unidentified persons, so that surviving close relatives may be made aware of the circumstances of their relatives interment, assured that they have been exhumed from a manifestly inappropriate burial site, and where it is not possible to return remains or partial remains for reburial, assured that the remains will be re-interred in a respectful and befitting manner.

## Contents

Part 1 – Preliminary and General .....	6
Head 1 – Short title .....	6
Head 2 – Expenses.....	7
Part 2 – Making an order.....	8
Head 3 – Government Order .....	8
Head 4 – Ministerial order.....	11
Head 5 – Criteria for intervention.....	12
Head 6 – Restrictions .....	14
Head 7 – Temporarily disapplying other legislation which gives power to exhume.....	16
Part 3 – Exempt development.....	17
Head 8 – Certain works to be considered exempted development.....	17
Part 4 – The Agency and its functions .....	18
Head 9 – Legal Status of Agency .....	18
Head 10 – Seal of Agency .....	19
Head 11 – Expenses .....	20
Head 12 – Accounts and Audits of Agency.....	21
Head 13 – Director .....	22
Head 14 – Appointment of Director .....	23
Head 15 – Resignation and Removal of Director .....	24
Head 16 – Staff of Agency .....	25
Head 17 – Deputy Director .....	26
Head 18 – Service providers .....	27
Head 19 – Membership of either House of Oireachtas, European Parliament or local authority .....	28
Head 20 – Monitoring of performance of Agency.....	30
Head 21 – Code of Conduct.....	31
Head 22 – Annual Report of Agency.....	33
Head 23 – Accountability of Director to Public Accounts Committee.....	34
Head 24 – Accountability of Director to other Oireachtas Committees .....	35
Head 25 – Information and records to be made available to Agency .....	37
Head 26 – Prohibition on disclosure of information relating to functions of Agency.....	38
Head 27 – Notice of intention to conduct works .....	39
Head 28 – Access to land .....	40

Head 29 – Power to excavate and exhume .....	42
Head 30 – Obligation to restore land .....	43
Head 31 – Duty to inform coroner and An Garda Síochána of certain matters.....	44
Head 32 – Suspension of certain functions and information to be available to assist criminal investigations .....	45
Head 33 – Obligation to make arrangements for re-interment.....	47
Part 5 – Dissolution of Agency and Transitional Provisions .....	48
Head 34 – Dissolution of Agency.....	48
Head 35 – Transfer of certain functions from dissolved Agency to Sponsoring Minister....	49
Head 36 – Transfer of certain functions under Part 6 from dissolved Agency .....	50
Head 37 – Transfer of land and other property by dissolved Agency .....	51
Head 38 – Transfer of rights and liabilities, and continuation of leases, licenses and permissions granted by dissolved Agency .....	52
Head 39 – Liability for loss occurring before the dissolution of Agency .....	53
Head 40 – Preservation of contracts made by dissolved Agency .....	54
Head 41 – Provisions consequent upon transfer of functions, assets and liabilities to sponsoring Minister .....	55
Head 42 – Final accounts and final annual report of dissolved Agency .....	56
Head 43 – Members of staff of dissolved Agency.....	57
Head 44 – Records of dissolved Agency.....	58
Head 45 – Availability of records of dissolved Agency for inspection by public under National Archives Act 1986.....	59
Part 6 – Provision for identification of deceased persons .....	60
Head 46 – Definitions .....	60
Head 47 – Powers to direct a Pilot Programme .....	62
Head 48 – DNA (Historic Remains) Database System .....	63
Head 49 – Purposes of DNA Database .....	65
Head 50 – Indexes of the DNA (Historic Remains) Database .....	66
Head 51 – Taking of Samples from bodies to generate DNA Profiles.....	67
Head 52 – Functions of Agency in relation to Identification Programme.....	68
Head 53 – Who may participate in Identification Programme .....	69
Head 54 – Taking of Samples from family members to generate DNA profiles .....	71
Head 55 – Nominations.....	72
Head 56 – Familial Identification.....	73
Head 57 – Notifications under Head 56.....	75

Head 58 – Taking of Samples for Elimination Purposes.....	76
Head 59 – Re-taking Samples: .....	77
Head 60 – Destruction of biological samples taken for purposes of DNA (Historic Remains) Database System <i>Provide along the following lines:</i> .....	78
Head 61 – Deletion of DNA profiles stored on the DNA (Historic Remains) Database System .....	79
Head 62 – Review of operation of this Part insofar as it relates to the DNA (Historic Remains) Database System.....	80
Head 63 – Request to FSI to destroy sample or delete, or remove from the DNA (Historic Remains) Database System.....	81
Head 64 – Requests for destruction of sample or deletion or removal from the DNA (Historic Remains) Database System of DNA profile .....	82
Head 65 – Destruction of samples and deletion of DNA profiles taken from a body.....	83
Head 66 – Certain samples to be treated as samples under Head 54 .....	84
Head 67 – Appeal to Adjudicator .....	85
Head 68 – FSI Capacity to Contract.....	86
Head 69 – DNA Database System Oversight Committee .....	87
Part 7 – Other provisions .....	88
Head 70 – Offences.....	88
Head 71 – Consequential amendment .....	89

## Part 1 – Preliminary and General

### Head 1 – Short title

*Provide along the following lines:*

This General Scheme may be cited as the General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill.

## Head 2 – Expenses

*Provide along the following lines:*

The expenses incurred by a sponsoring Minister in the administration of this General Scheme shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys sanctioned by the Oireachtas.

## Part 2 – Making an order

### Head 3 – Government Order

*Provide along the following lines:*

- (1) This Head applies where a Minister is satisfied, on reasonable grounds, that manifestly inappropriate burials have taken place at a site, associated with an institution, of persons who died while ordinarily resident at that institution.
- (2) The Minister who has responsibility for, or who would have been most closely associated with the institution concerned if that Department of State had existed at the time the burials were carried out, shall be referred to as the sponsoring Minister and may, with the approval of the Minister for Public Expenditure and Reform, bring a proposal to Government to establish an Agency.
- (3) Where Government forms the view that it is necessary for the purposes of safeguarding important objectives of general public interest, and the circumstances outlined in Head 5 apply and the circumstances outlined in Head 6 do not apply, it may order the establishment of an Agency, which shall report to the sponsoring Minister, to carry out any or all of the functions prescribed under subhead (6).
- (4) The Agency referred to in subhead (3) will stand established on and from the date appointed by the sponsoring Minister, which shall be no later than 6 months after the making of the Government order.
- (5) The order referred to in subhead (3) shall specify, as appropriate and to the extent possible-
  - (a) the boundaries of the site, on maps of sufficient detail and character and adequate scale, in respect of which the order is to be made,
  - (b) the functions under this General Scheme, referred to in subhead (6), to be vested in the Agency,
  - (c) the duration for which the Agency will operate,
  - (d) the sponsoring Minister responsible for overseeing administrative matters relating to the Agency, and
  - (e) the estimated costs of operating the Agency.



- (6) The Government may, in the Government order referred to in subhead (3), confer responsibility for any or all of the following functions on the Agency-
- (a) applying for an order from the court authorising temporary access to the site referred to in Subhead (5)(a) for the purpose of excavation and exhumation of human remains at the site;
  - (b) excavating the site prescribed in the Government order;
  - (c) exhuming any human remains located in manifestly inappropriate burials at the site and related necessary works;
  - (d) exhuming any other human remains located at the site which were not buried in a manifestly inappropriate manner in comparison to the time the burials were carried out, but which Government decides in the circumstances should also be exhumed;
  - (e) managing a programme of identification in respect of any human remains removed from the prescribed site, including use of any of the measures prescribed in Part 6 of this General Scheme;
  - (f) organising the re-interment of any human remains exhumed from the prescribed site;
  - (g) reinstating of the prescribed site to its previous condition or an equivalent state;
  - (h) any ancillary functions reasonably required to complete any of the functions named in (a) to (g) above.
- (7) Government may assign additional functions to the Agency, remove functions from the Agency or amend the duration specified in accordance with subhead (5)(c) for which the Agency will operate, by a subsequent Government order.
- (8) Where, having determined that there may be a public interest in carrying out an intervention at a specific site, Government shall consider the proportionality of any intervention with regard to factors including the following -
- (a) public health,
  - (b) respect for the deceased,
  - (c) respect for the views of the relatives of the deceased,

- (d) the potential impacts on the site and the surrounding area, including any potential impact on –
    - (i) residents whose dwelling adjoins the site, and
    - (ii) archaeological features of the site,
  - (e) the social interest to be served by carrying out an intervention,
  - (f) the economic impact of an intervention,
  - (g) avoidance of obstructions to any official or legal inquiry, investigation or process, proceedings pending or due before court, tribunal of inquiry or commission of investigation,
  - (h) possible alternative options available to accord dignity to persons buried there
- (9) An order may be made under this Head only if-
- (a) a draft of the proposed order and a statement of the reasons for making it have been laid before the Houses of the Oireachtas, and
  - (b) a resolution approving the draft order has been passed by each House.

#### Head 4 – Ministerial order

*Provide along the following lines:*

Subject to Head 3(4), the Minister may, by order, appoint the establishment day of the Agency.

## Head 5 – Criteria for intervention

*Provide along the following lines:*

- (1) Before making an order under Head 3, Government shall be satisfied that the criteria set out in subheads (2) – (4) apply in respect of a relevant site.
- (2) With respect to Head 3(1), in determining whether certain burials are manifestly inappropriate, Government shall consider the presence of two or more of the following factors as particularly significant:
  - (a) the human remains are uncoffined;
  - (b) the burials would not reasonably be considered to provide a dignified interment;
  - (c) the human remains were not buried at the appropriate depth specified in the Rules and Regulations for the Regulation of Burial Grounds 1888 and amendments to those regulations;
  - (d) the human remains are buried collectively and in a manner or in a location that is repugnant to common decency and would reasonably have been so considered at the time the burials took place.
- (3) The burial site shall be associated with a current or former institutional setting.
- (4) The land on which the burial site is located is –
  - (a) in the ownership of a public authority, or
  - (b) available to access because consent has been provided by the owner, or
  - (c) is not available to access because consent has been withheld by the owner but, in the opinion of Government, consent has been unreasonably withheld on the basis that either –
    - (i) they were also the owner of the land at the time that the manifestly inappropriate burials were carried out, or
    - (ii) they acquired the site in question on or after [date of publication of this General Scheme].

(5) Evidence in support of the factors referred to in subheads (2)-(4) shall include, but may not be limited to, the following-

- (a) a map or maps of the site in sufficient quantity and detail to show the site boundary;
- (b) the expert technical reports in respect of the conditions, location and age of relevant burials;
- (c) any reliable and corroborated statement made by a person with knowledge of the circumstances and the location of the relevant burials;
- (d) reliable information identifying the burial site;
- (e) reliable information pertaining to the existence of manifestly inappropriate burials including reports on the conditions of the burials;
- (f) any other relevant information, records or other documents.

## Head 6 – Restrictions

*Provide along the following lines:*

- (1) Government may not make an order as specified under Head 3 where any of the circumstances in Subheads (2) – (10) apply.
- (2) There is evidence that human remains at the site were buried there following death in violent or unnatural circumstances.
- (3) There is an ongoing Garda investigation into the circumstances surrounding the burials or the way the deaths took place.
- (4) The burial site-
  - (a) is not associated with a current or former institutional setting,
  - (b) is not known to include burials that are manifestly inappropriate in comparison to the practices and traditions of the time that the burials took place,
  - (c) could not be excavated without disturbing appropriately buried human remains that are not to be exhumed, or
  - (d) is a burial ground within the meaning of the Public Health (Ireland) Act 1878 (Part III), the Rules and Regulations for the Regulation of Burial Grounds 1888, the Local Government (Sanitary Services) Act 1948, the Local Government Act 1994 or is a private burial ground delineated or recognised as such.
- (5) Exhumation would be unreasonably difficult or unsafe.
- (6) Evidence is available that-
  - (a) informed family consent was given for burials arranged by the institution, or
  - (b) the lapse of time since the last known burial exceeds 70 years in relation to the date on which the circumstances of the burials concerned became widely known.
- (7) Evidence is insufficient to determine-

- (a) the existence of manifestly inappropriate burials, as referred to in Head 5(2), or
  - (b) the location of the alleged burials.
- (8) The land on which the burial site is located contains one or more dwellings.
- (9) The owner of the land on which the burial site is located-
  - (a) is not a public authority,
  - (b) has not consented to an intervention taking place, and
  - (c) has not unreasonably refused an intervention taking place.
- (10) Government has formed the view that memorialisation of the site without further intervention is more appropriate.

## Head 7 – Temporarily disapplying other legislation which gives power to exhume

*Provide along the following lines:*

Where Government makes an order under Head 3, the following shall apply in respect of the site specified in that order -

- (a) the Coroner shall not have jurisdiction under the Coroners Acts 1962 to 2019 in respect of bodies exhumed from that site during the period of existence of the Agency established by that order, except in the circumstances referred to in Head 31, and
- (b) the Local Authority shall not have authority under Section 46 of the Local Government (Sanitary Services) Act 1948 to request the Minister for Rural and Community Development to grant a licence for the exhumation of a body during the period of existence of the Agency established by that order.



## Part 3 – Exempt development

### Head 8 – Certain works to be considered exempted development

Where a Government Order has been made under Head 3, development consisting of works necessary for the conducting of excavations and exhumations at the named and bounded site which is the subject of that Order, and work necessary to restore that site to its original condition and use, shall be considered exempted development within the meaning of Section 4 of the Planning and Development Act 2000.

## Part 4 – The Agency and its functions

### Head 9 – Legal Status of Agency

*Provide along the following lines:*

- (1) An Agency established under this General Scheme shall have the legal capacity of a body corporate, with an official seal and with power –
  - (a) to sue and be sued,
  - (b) to enter into contract,
  - (c) to acquire, hold and dispose of an interest in land, and
  - (d) to acquire, hold and dispose of any other property.
- (2) An Agency established under this General Scheme shall be independent in the performance of its functions.

## Head 10 – Seal of Agency

*Provide along the following lines:*

- (1) The seal of an Agency (in this head referred to as the 'seal') shall be authenticated by either –
  - (a) the Director of the Agency, or
  - (b) the signatures of 2 members of staff of the Agency, both of whom must have been authorised by the Director to act on their behalf.
- (2) Judicial notice shall be taken of the seal and every document purporting to be an instrument made by the Agency and to be sealed with the seal (purporting to be authenticated in accordance with subhead (1)) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.
- (3) Any contract or instrument which, if entered into or executed by an individual, would not be required to be under seal may be entered into or executed on behalf of the Agency by a member of the staff of the Agency or a person generally or specifically authorised by the Agency for that purpose.

## Head 11 – Expenses

*Provide along the following lines:*

There may, subject to such conditions as the Sponsoring Minister deems appropriate, if any, and with the consent of the Minister for Public Expenditure and Reform, be paid to an Agency in each financial year out of moneys provided by the Oireachtas a grant or grants of such amount or amounts of money as the sponsoring Minister, with the consent of the Minister for Public Expenditure and Reform, and in consultation with the Agency in relation to its programme of work for that year, may fix.

## Head 12 – Accounts and Audits of Agency

*Provide along the following lines:*

- (1) An Agency shall -
  - (a) submit estimates of income and expenditure to the Sponsoring Minister in such form, in respect of such periods and at such times as may be specified by the sponsoring Minister, and
  - (b) provide to the sponsoring Minister any information which the sponsoring Minister may require regarding those estimates and also regarding the proposals and plans of the Agency in respect of a period specified by the Sponsoring Minister.
- (2) The Agency shall keep, in such form and in respect of such accounting periods as may be approved of by the Sponsoring Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Agency, including an income and expenditure account and a balance sheet.
- (3) The Agency shall, whenever so required by the Sponsoring Minister, permit any person appointed by that Minister to examine the accounts of the Agency in respect of any financial year or other period and shall facilitate any such examination.
- (4)
  - (a) The accounts of the Agency shall be approved by the Director of the Agency as soon as is practicable but not later than 3 months after the end of the accounting period to which they relate and be submitted by the Agency to the Comptroller and Auditor General for audit.
  - (b) A copy of the accounts and the report of the Comptroller and Auditor General on them shall be presented to the Director and the Sponsoring Minister as soon as is practicable, and the sponsoring Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.

## Head 13 – Director

*Provide along the following lines:*

- (1) There shall be appointed in accordance with Head 14 a chief executive of the Agency, to be known as the Director of the Agency.
- (2) The Director shall –
  - (a) ensure that the Agency performs the functions assigned to it,
  - (b) be responsible for the performance of the Agency, and
  - (c) otherwise carry out, manage and control generally the administration and business of the Agency.

## Head 14 – Appointment of Director

*Provide along the following lines:*

- (1) Subject to this Head, the Director of an Agency shall be appointed by the Sponsoring Minister, with the consent of the Minister for Public Expenditure and Reform.
- (2) Before appointing a person to the position of Director, the Sponsoring Minister shall be satisfied that, having regard to the functions assigned to the Agency, the person to be appointed has the appropriate experience, qualifications, training or expertise.
- (3) A Director appointed under this Head shall be appointed and hold office subject to such terms and conditions, including levels of remuneration, duration of appointment and pension entitlements, if any, as the Sponsoring Minister may determine, with the consent of the Minister for Public Expenditure and Reform.

## Head 15 – Resignation and Removal of Director

*Provide along the following lines:*

- (1) The Director of an Agency established under this General Scheme may at any time resign his or her office by giving notice in writing to the Sponsoring Minister of his or her intention to resign and any such resignation shall take effect 1 month from the date upon which the sponsoring Minister receives notice of the resignation.
- (2) The Director of an Agency established under this General Scheme may be removed from office by the Government if –
  - (a) in the opinion of the Government, the Director has become incapable through ill-health of effectively performing his or her functions,
  - (b) in the opinion of the Government, the Director has committed stated misbehaviour,
  - (c) the Director has been convicted on indictment by a court of competent jurisdiction and sentenced to imprisonment,
  - (d) the Director is convicted of an offence involving fraud or dishonesty,
  - (e) the removal of the Director appears to the Government to be necessary for the effective performance by the Agency of its functions, or
  - (f) the Agency in which a Director serves is dissolved.
- (3) With the exception of subhead (2)(f), where a Director is removed from office under this Head, the Government shall cause a statement of the reasons for the removal to be laid before each House of the Oireachtas.



## Head 16 – Staff of Agency

*Provide along the following lines:*

- (1) An Agency may appoint such and so many persons to be staff of the Agency, subject to the approval of the sponsoring Minister given with the consent of the Minister for Public Expenditure and Reform as to the number of staff and terms and conditions of staff, including grades and levels of remuneration, allowances, superannuation and termination of employment, as the Agency may from time to time require.
- (2) Persons may be seconded to an Agency from a public body, with the consent of the Sponsoring Minister and the Minister for Public Expenditure and Reform, and shall be deemed to be members of staff of that Agency for the duration of their secondment.
- (3) In this Head 'public body' means –
  - (a) a Department of State,
  - (b) the Office of the Comptroller and Auditor General,
  - (c) the Office of the Ombudsman,
  - (d) a local authority (within the meaning of the Local Government Act 1941),
  - (e) a body (other than a company) established under statute,

## Head 17 – Deputy Director

*Provide along the following lines:*

- (1) Where an Agency has one or more members of staff that are not the Director of that Agency, the Director may designate one staff member to be the Deputy Director.
- (2) The Deputy Director shall perform and carry out the functions of the Director in the absence of the Director or when there is no Director and references to the Director shall be read accordingly.

## Head 18 – Service providers

*Provide along the following lines:*

- (1) An Agency may, subject to the approval of the Sponsoring Minister and the Minister for Public Expenditure and Reform, from time to time engage such consultants, advisers or contractors as it considers necessary for the performance of its functions and any fees due to a consultant, adviser, contractor or service provider engaged pursuant to this Head shall be paid by the Agency out of moneys at its disposal.
- (2) The Agency shall include in each report made under Head 22 a statement of the names of the persons (if any) engaged pursuant to this Head during the year to which the report relates.

## Head 19 – Membership of either House of Oireachtas, European Parliament or local authority

*Provide along the following lines:*

(1) Where the Director or a member of staff of an Agency –

- (a) accepts a nomination as a member of Seanad Éireann,
- (b) is elected to be a member of either House of the Oireachtas or to be a member of the European Parliament,
- (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament, or
- (d) is elected or co-opted as a member of a local authority,

he or she shall thereupon –

- (i) in the case of the Director, cease to be the Director and have their employment with the Agency terminated,
- (ii) in the case of a person seconded to the Agency under Head 16, have their secondment terminated,
- (iii) in the case of a service provider contracted under Head 18, have their service contract terminated,
- (iv) in the case of any other member of staff, have their employment terminated.

(2) A person who is for the time being –

- (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
- (b) a member of the European Parliament, or
- (c) entitled under the Standing Orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under paragraph (a) or (c) or is such a member under (b), be disqualified for –

- (i) being the Director of an Agency,
- (ii) being seconded to an Agency,
- (iii) being a service provider to an Agency under Head 18, or
- (iv) being a member of staff of an Agency.

## Head 20 – Monitoring of performance of Agency

*Provide along the following lines:*

- (1) An Agency shall, at such intervals as it thinks fit or the sponsoring Minister directs, conduct reviews of its organisation and of the systems and procedures used by it in relation to the performance of its functions.
- (2) The sponsoring Minister may consult with the Agency as regards any matter pertaining to the performance of the functions of the Agency.
- (3) The Agency may make observations or submissions to the sponsoring Minister as regards any matter pertaining to its functions.
- (4) The sponsoring Minister may give a direction to an Agency in respect of the performance of any of the Agency's functions where the Minister has first consulted with the Agency under subhead (2) and the Agency shall comply with any such direction.
- (5) Where the sponsoring Minister gives a direction to conduct a review under subhead (1), the Agency shall –
  - (a) report to the sponsoring Minister the results of the review conducted pursuant to the direction, and
  - (b) comply with any further direction the sponsoring Minister may give in relation to all or any of the matters which were the subject of the review.

## Head 21 – Code of Conduct

*Provide along the following lines:*

(1) (a) Each Agency shall adopt a code of conduct for dealing with conflicts of interest and promoting public confidence in the integrity of the conduct of its business which shall be required to be followed by those persons referenced in subhead (3).

(b) A code of conduct under this Head shall be subject to the approval of the Sponsoring Minister and be adopted within 3 months of the establishment day of the Agency.

(2) A code of conduct shall consist of a written statement setting out the policy of the Agency on at least the following matters:

(i) disclosure of interests and relationships where the interests and relationships are of relevance to the work of the Agency, as appropriate;

(ii) membership of other organisations, associations and bodies, professional or otherwise;

(iii) membership of, or other financial interests in, companies, partnerships or other bodies;

(iv) undertaking work, not being work on behalf of the Agency during any period of employment with the Agency, whether as a consultant or adviser or otherwise;

(v) acceptance of gifts, sponsorship, considerations or favours;

(vi) disclosure of information concerning matters pertaining to the work of the Agency, as appropriate; and

(vii) following of best practice to be adopted in relation to the functions assigned to the Agency.

(3) The code of conduct adopted by an Agency applies –

(a) to the Director,

(b) to a member of staff of the Agency, and

(c) to any persons providing services to the Agency under Head 18

and the code of conduct shall be complied with by each person to the extent that it relates to him or her or has been duly applied to him or her.



## Head 22 – Annual Report of Agency

*Provide along the following lines:*

- (1) Not later than 30 June in each year, each Agency established under this General Scheme shall prepare and adopt an annual report in relation to the performance of the Agency's functions during the immediately preceding calendar year.
- (2) An annual report shall include but not be limited to —
  - (a) a statement of the activities undertaken by the Agency,
  - (b) a report on the implementation of the functions assigned to the Agency,
  - (c) a report on the Agency's arrangements for implementing and maintaining adherence to its code of conduct adopted under Head 21,
  - (d) other particulars that the Agency considers appropriate or that the Sponsoring Minister may specify, including but not limited to financial statements.
- (3) As soon as may be, but in any event not later than 21 days after adopting the annual report, the Agency shall submit a copy of the annual report to the Sponsoring Minister.
- (4) The Sponsoring Minister shall ensure that copies of the annual report are laid before each House of the Oireachtas within 21 days of that Minister receiving the report.
- (5) The Agency shall ensure that the annual report is published—
  - (a) on the Internet, and
  - (b) in accordance with any other arrangements that the Sponsoring Minister may specify, as soon as practicable after copies of the report are laid before the Houses of the Oireachtas.

## Head 23 – Accountability of Director to Public Accounts Committee

*Provide along the following lines:*

- (1) The Director of an Agency, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, shall give evidence to that Committee on —
  - (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Agency is required by this General Scheme to prepare,
  - (b) the economy and efficiency of the Agency in the use of its resources,
  - (c) the systems, procedures and practices employed by the Agency for the purpose of evaluating the effectiveness of its operations, and
  - (d) any matter affecting the Agency referred to—
    - (i) in any special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or
    - (ii) in any other report of the Comptroller and Auditor General (insofar as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.
- (2) In the performance of the duties of the Director under this Head, the Director shall not question or express an opinion on—
  - (a) the merits of any policy of the Government or of a Minister of the Government, or
  - (b) the objectives of such a policy.

## Head 24 – Accountability of Director to other Oireachtas Committees

*Provide along the following lines:*

- (1) In this Head, “committee” means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—
  - (a) the Committee on Members’ Interests of Dáil Éireann,
  - (b) the Committee on Members’ Interests of Seanad Éireann, and
  - (c) the Committee referred to in Head 23(1), or a sub-committee of such a committee.
- (2) Subject to subhead (3), the Director, at the request in writing of a committee, shall attend before it to give account for the general administration of the Agency.
- (3) The Director is not required to give account before a committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.
- (4) Where the Director is of opinion that a matter in respect of which he or she is requested to give an account before a committee is a matter to which subhead (3) applies—
  - (a) he or she shall inform the committee of the opinion and the reasons for it, and
  - (b) unless the information is conveyed to the committee at a time when the Director is before it, the information shall be so conveyed in writing.
- (5) Where the Director has informed a committee of his or her opinion in accordance with subhead (4) and the committee does not withdraw the request referred to in subhead (2) insofar as it relates to a matter the subject of that opinion—
  - (a) the Director shall, not later than 21 days after being informed by the committee of its decision not to withdraw the request, may apply to the High Court in a summary manner for determination of the question whether the matter is one to which subhead (3) applies, or
  - (b) the chairperson of the committee, on behalf of the committee, may make such an application, and the High Court shall determine the matter.

- (6) Pending determination of an application under subhead (5), the Director shall not attend before the committee to give account for the matter that is the subject of the application.
- (7) If the High Court determines that the matter concerned is one to which subhead (3) applies, the committee shall withdraw the request referred to in subhead (2), but if the High Court determines that subhead (3) does not apply, the chief executive officer shall attend before the committee to give account for the matter.
- (8) In the performance of his or her duties under this Head, the Director shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

## Head 25 – Information and records to be made available to Agency

*Provide along the following lines:*

(1) Any public body may, for the purpose of assisting an Agency in the conduct of the functions assigned to it, disclose information, records or documents (including personal data within the meaning of Regulation (EU) 2016/679 of the European parliament and of the Council of 27 April 2016) in its possession to the Agency, relating to matters that are relevant to the functions assigned to the Agency.

(2) In this Head ‘public body’ means –

- (a) a Department of State,
- (b) the Office of the Comptroller and Auditor General,
- (c) the Office of the Ombudsman,
- (d) a local authority (within the meaning of the Local Government Act 1941),
- (e) a body (other than a company) established under statute,
- (f) a company established pursuant to a power conferred by or under an enactment, and financed wholly or partly by –
  - (i) moneys provided, or loans made or guaranteed, by a Minister of the Government, or
  - (ii) the issue of shares held by or on behalf of a Minister of the Government,  
or
  - (iii) a company, a majority of the shares in which are held by or on behalf of a Minister of the Government.

## Head 26 – Prohibition on disclosure of information relating to functions of Agency

*Provide along the following lines:*

(1) Except as explicitly provided for under this General Scheme, a person shall not, without the consent of the Director of the Agency (which may be given to the person, subject to or without conditions, as regards any information, any particular information or any information of a particular class or description), disclose -

(a) any information obtained by him or her while serving –

- (i) as a member of the staff of the Agency,
- (ii) as a consultant or adviser or contractor whose services are availed of by the Agency by virtue of Head 18,

or

(b) any information so obtained relative to the business of the Agency or to the performance of its functions.

(2) A person who contravenes subhead (1) commits an offence.

(3) Nothing in subhead (1) shall prevent –

- (a) disclosure of information in a report made to the Agency or in a report made by or on behalf of the Agency to the Sponsoring Minister,
- (b) disclosure of information by any person in the course of and in accordance with the functions of his or her office,
- (c) disclosure of information in accordance with the Freedom of Information Act 2014, or
- (d) disclosure of information in accordance with the European Communities Act, 1972 (Access to Information on the Environment) Regulations 1998 (S.I No. 125 of 1998), and any regulations amending or replacing those regulations.

## Head 27 – Notice of intention to conduct works

*Provide along the following lines:*

- (1) Before entering any lands for the purpose of conducting works under Head 29, the Agency shall serve on the owner and on the occupier of such land or building a notice in writing stating its intention to conduct works under Head 29 and shall seek the consent of the owner and occupier of the lands in question.
- (2) Where lands are in the ownership of a public body, the unconditional consent of the landowner shall be deemed to have been given.
- (3) In this Head ‘public body’ means –
  - (a) a Department of State,
  - (b) the Office of the Comptroller and Auditor General,
  - (c) the Office of the Ombudsman,
  - (d) a local authority (within the meaning of the Local Government Act 1941),
  - (e) a body (other than a company) established under statute.
- (4) When serving a notice under subhead (1), the Agency shall cause maps and plans to be available to notified persons which shall be sufficient in quantity and character to show on adequate scales the extent of the works to be conducted under Head 29 and also all property, corporeal or incorporeal, which will be affected by such works.
- (5) A notice under subhead (1) may be served on any person by sending such notice by prepaid post, with recorded delivery, addressed to such person at his or her usual or last known address and shall be deemed to have been served on such person at the time at which such envelope would be delivered in the ordinary course of post.
- (6) Where, for any reason, the envelope mentioned in subhead (3) cannot be addressed in the manner provided by that subhead, such envelope may be addressed to the person for whom it is intended in either or both of the following ways: -
  - (a) by the description “the owner” or the “the occupier” (as the case may be) without stating his or her name, or
  - (b) at the land or the situation of the property to which the notice contained in such envelope relates.

## Head 28 – Access to land

*Provide along the following lines:*

- (1) For the purpose of carrying out the functions assigned to it, and subject to the provisions of this Head and Head 27, an Agency may: -
  - (a) by agreement or compulsorily, temporarily acquire any easement, wayleave, water-right or any other right whatsoever over or in respect of any land or water;
  - (b) by agreement or compulsorily, temporarily terminate, restrict or otherwise interfere with any easement, wayleave, water right or any other right whatsoever existing over or in respect of any land or water;
  - (c) by agreement or compulsorily, temporarily divert, close, remove or otherwise interfere with any private road, way or bridge or any canal or other artificial waterway or any artificial watercourse;
  - (d) by agreement or compulsorily, temporarily interfere with any land.
- (2) If within one month after the service of notice under Head 28, the owner or the occupier, or both as the case may be, of such land(s) or building(s) give their consent to the proposed works in accordance with the notice given, either unconditionally or with conditions acceptable to the Agency, the Agency may proceed to conduct such works in the manner stated in such notice.
- (3) Where, after a period of one month of having been given notice under Head 28, consent has not been given within the meaning of subhead (2), an Agency may, subject to the provisions of this Head, seek an order from the relevant court granting access and all necessary rights to the lands in question for the period prescribed in the order for the purpose of carrying out the functions assigned to the Agency.
- (4) An Agency shall not seek access to land by court order where the land in question is in residential use and the access requested encroaches further than 2 metres past the boundary of the property or encroaches on part of a dwelling.
- (5) Subject to the provisions of this Head, on an application made by an Agency to access lands which are in residential use, a judge of the District Court may, by order, grant an Agency access and all necessary rights to and over



such lands for so long as is necessary for that Agency to carry out the functions assigned to it. The court shall not make such an order unless -

- (a) the Agency has certified that remains are likely to be found on the lands in question, and
  - (b) the court is satisfied that, having regard to the circumstances, appropriate compensation has been offered to the landowner or occupier, or both, as the case may be.
- (6) Subject to the provisions of this Head, on an application made by an Agency to access lands other than lands which are in residential use a judge of the High Court may, by order, grant an Agency access and all necessary rights to and over such lands for so long as is necessary for that Agency to carry out the functions assigned to it. The court shall not make such an Order unless –
- (a) the Agency has certified that remains are likely to be found on the lands in question, and
  - (b) the court is satisfied that, having regard to the circumstances, appropriate compensation has been offered to the landowner or occupier, or both, as the case may be.
- (7) An application by the Agency under subhead (5) or an appeal of a District Court decision under subhead (8) shall be heard otherwise than in public.
- (8) A decision of the Circuit Court, or High Court, as the case may be, under this Head shall be final save that an appeal shall lie to the High Court or Court of Appeal, as the case may be, on a point of law.
- (9) Leave shall not be granted for judicial review of determinations made or actions undertaken by an Agency in the conduct of the functions assigned to it unless the High Court is satisfied that there are substantial grounds for contending that the decision or action is invalid or ought to be quashed, and that the applicant has a substantial interest in the matter which is the subject of the application.
- (10) A document purporting to be a certificate stating where remains are likely to be found and to be signed by or on behalf of the Agency shall be deemed, unless the contrary is shown, to be such certificate and so signed and the certificate shall be admissible as evidence of the facts stated therein.

## Head 29 – Power to excavate and exhume

*Provide along the following lines:*

- (1) The Agency shall, subject to the provisions of this Head and Heads 27 and 28, and for the purpose of conducting the functions assigned to the Agency, excavate or cause to be excavated the site specified in a Government Order made under Head 3, to the standard specified by the Sponsoring Minister, and shall exhume any remains located therein.
- (2) Where access to land has been obtained by an Agency by consent, exhumation works may begin in the manner agreed upon between the Agency and the landowner and occupier.
- (3) Where access to land has been obtained by an Agency under a District Court Order (or an order of the Circuit Court on appeal from the District Court), exhumation works shall not commence before 15 days after the issuing of that Court Order.
- (4) Where access to land has been obtained by an Agency under a High Court Order (or an order of the Court of Appeal on appeal from the High Court), exhumation works shall not commence before 29 days after the issuing of that Court Order.
- (5) A person who, without prior authorisation from an Agency or without lawful authority, interferes with an excavation site or obstructs or impedes an Agency or any person authorised by an Agency in the conduct of excavation or exhumation works commits an offence.

## Head 30 – Obligation to restore land

*Provide along the following lines:*

- (1) Subject to subhead (2), not later than 6 months following the completion of excavation and exhumation works conducted at a site under Head 29, that site shall become the subject of development, within the meaning of section 3 of the Planning and Development Act 2000, by or behalf of the Agency, for the purpose of restoring such land to its original condition.
- (2) Where a site is owned by a person other than the Agency and the person does not wish the site to be restored to its original state, then that person may so notify the Agency in writing, prior to the completion of excavation works or within 2 weeks following the completion of such works, and shall cause the site to be the subject of development for a purpose other than to return it to its original condition, as soon as may be practicable, and no obligation to restore lands shall lie with the Agency.
- (3) A planning authority may request in writing confirmation from an Agency that the works referenced in subhead (1) are complete and an Agency shall respond to such a request no later than 4 weeks from the date of issue of that request.
- (4) An Agency may, at any time, notify a planning authority in writing that works referenced in subhead (1) are concluded.

## Head 31 – Duty to inform coroner and An Garda Síochána of certain matters

*Provide along the following lines:*

Where, during the performance of the functions assigned to an Agency, there emerges in respect of any remains located during the course of works carried out under Head 29 evidence that the remains concerned do not appear to be in the scope of the exhumation being carried out under this General Scheme, then the Agency shall immediately inform the coroner within whose district the remains were exhumed and An Garda Síochána.

## Head 32 – Suspension of certain functions and information to be available to assist criminal investigations

*Provide along the following lines:*

- (1) A member of An Garda Síochána not below the rank of inspector may request the Agency to suspend works relating to excavation or exhumation under Head 29 on the grounds that a criminal investigation relating to person(s) buried at a site is being conducted and the Agency shall comply with the request.
- (2) A request under subhead (1) shall be made by notice in writing to the Director of the Agency and the period of suspension requested may not exceed 2 weeks.
- (3) Where a request has been granted under subhead (1) for suspension of works no further request for suspension in relation to the same investigation may be granted save by a court order issued under subhead (4).
- (4) Where an Agency has already suspended works on foot of a request made under subhead (1), a member of An Garda Síochána not below the rank of inspector may seek an order by a judge of the District Court directing an additional suspension for as long as may be deemed necessary by the court, having regard for an Agency's need to proceed reasonably expeditiously in the execution of its functions.
- (5) Subject to subhead (6), where a criminal investigation is being pursued relating to person(s) buried at a site which is or was the subject of works referenced in Head 29, the Agency shall, if so requested by a member of An Garda Síochána not below the rank of inspector, provide or cause to be made available to the requester access to any information in the Agency's possession which may assist in such investigation, including information regarding the condition of remains, the circumstances of the discovery and retrieval of remains, the results of any examination or findings that the Agency may have conducted or caused to have been conducted. and any documentary evidence in its possession.
- (6) A person shall not, while serving or having served as –
  - (a) as a member of the staff of the Agency, or
  - (b) as a consultant or advisor or contractor whose services are availed of by the Agency by virtue of Head 18,

disclose for any purpose, including assisting in a criminal investigation, information relating to an identification programme carried out under Part 6 of this General Scheme, or information relating to the work of an Agency which was obtained on the premise of strict confidentiality, or information that may detrimentally impact the family member of a deceased person believed to be buried at the site, without the consent of each living person to whom the information relates.

- (7) A person who discloses information in contravention of subhead (6) shall be guilty of an offence.
- (8) Where a criminal investigation is being pursued relating to person(s) buried at a site which is or was the subject of works referred to in Head 29, an Agency shall, at the request of the coroner within whose district the site is located, facilitate the examination of those remains by that coroner.

## Head 33 – Obligation to make arrangements for re-interment

*Provide along the following lines:*

- (1) Where the Agency has exhumed remains or caused remains to be exhumed under Head 29, it shall, in consultation with the Sponsoring Minister, make such final arrangements for the remains as it deems most appropriate, including but not limited to arranging re-interment at a place and in a manner chosen by the Agency or, where it is feasible to do so, releasing remains to family members of the deceased.
- (2) The Agency shall make arrangements under subhead (1) no later than five years from the date on which the exhumation works carried out under Head 29 are completed.
- (3) When determining the most appropriate manner of re-interment under subhead (1) an Agency shall have regard to: -
  - (a) the dignity of the deceased,
  - (b) the stated wishes of family members,
  - (c) the extent, if any, to which it may be feasible to return remains to family members,
  - (d) the religious practices of the deceased, if any, and
  - (e) the condition of the remains.

## Part 5 – Dissolution of Agency and Transitional Provisions

### Head 34 – Dissolution of Agency

*Provide along the following lines:*

An Agency is dissolved on the date that is, with respect to the establishment date set by Ministerial Order under Head 4, on the expiration of the period of operation of the Agency specified by Government Order or Orders made under Head 3.



## Head 35 – Transfer of certain functions from dissolved Agency to Sponsoring Minister

*Provide along the following lines:*

If, on the date of dissolution, the Agency has not, in accordance with Head 33, made final arrangements for the re-interment of remains exhumed under Head 29, the powers and obligations of the Agency to make those arrangements shall be vested in the sponsoring Minister.

## Head 36 – Transfer of certain functions under Part 6 from dissolved Agency

*Provide along the following lines:*

Where a Government Order referred to in Head 3 confers on an Agency the functions set out in Part 6 and on the date of dissolution of that Agency –

(a) a programme of identification has not been completed, and

(b) the Agency has not made a determination that it is not possible in the circumstances to complete such a programme,

then the sponsoring Minister may appoint an appropriate independent expert to exercise the functions and powers of the Agency under that Part.

## Head 37 – Transfer of land and other property by dissolved Agency

*Provide along the following lines:*

- (1) Subject to subhead (2), on the dissolution day all lands and property in an Agency's possession shall become property in the possession of the sponsoring Minister, along with all resulting rights, obligations and causes of action related to that property.
- (2) No access rights or land rights obtained voluntarily or compulsorily by an Agency under Head 28 shall transfer to the sponsoring Minister and all such rights shall expire upon the dissolution of the Agency.

### Head 38 – Transfer of rights and liabilities, and continuation of leases, licenses and permissions granted by dissolved Agency

- (1) All rights and liabilities of the dissolved Agency arising by virtue of any contract or commitment (expressed or implied) entered into by it before the dissolution day shall on that day stand transferred to the sponsoring Minister.
- (2) Every right and liability transferred by subhead (1) to the sponsoring Minister may, on and after the dissolution day, be sued on, recovered or enforced by or against the sponsoring Minister in his or her name, and it shall not be necessary for the sponsoring Minister, or the dissolved Agency, to give notice to the person whose right or liability is transferred by that subhead of such transfer.

## Head 39 – Liability for loss occurring before the dissolution of Agency

*Provide along the following lines:*

- (1) Any claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, before the dissolution day, of any of the functions assigned to the dissolved Agency shall, on and after that day, lie against the sponsoring Minister.
- (2) Any legal proceedings pending immediately before the dissolution day to which the dissolved Agency is a party, that relate to of any of the functions assigned to the dissolved Agency, shall be continued by the sponsoring Minister of the dissolved body.
- (3) Where, before the dissolution day –
  - (a) agreement has been reached between the parties concerned in settlement of a claim to which subhead (1) relates, the terms of which have not yet been implemented, or
  - (b) where a judgment has been given in respect of a claim to which subhead (1) relates, the terms of which have not been implemented,then the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the dissolved Agency, be enforceable against the sponsoring Minister and not the dissolved Agency.
- (4) Any claim made or proper to be made by the dissolved Agency in respect of any loss or injury arising from the act or default of any person before the dissolution day shall, where the claim relates to any of the functions assigned to the dissolved Agency be regarded as having been made by or proper to be made by the sponsoring Minister and may be pursued and sued for by that Minister as if the loss or injury had been suffered by that Minister.

## Head 40 – Preservation of contracts made by dissolved Agency

*Provide along the following lines:*

Every contract, agreement or arrangement made between the dissolved Agency and any other person, which is in force immediately before the dissolution day, shall continue in force after that day and shall be construed and have effect as if the name of the sponsoring Minister were substituted therein for that of the dissolved Agency and shall be enforceable by or against the sponsoring Minister.

## Head 41 – Provisions consequent upon transfer of functions, assets and liabilities to sponsoring Minister

*Provide along the following lines:*

- (1) Anything commenced and not completed by an Agency before the dissolution day may, in so far as it relates to a function transferred to the sponsoring Minister under this Part, be carried on or completed by or on behalf of the sponsoring Minister.
- (2) Any money, stocks, shares or securities transferred by Head 37 that, immediately before the dissolution day, were standing in the name of the dissolved Agency shall, on the request of the sponsoring Minister, be transferred into his or her name.

## Head 42 – Final accounts and final annual report of dissolved Agency

*Provide along the following lines:*

- (1) Following dissolution of an Agency, the former Director shall prepare final accounts and submit same to the sponsoring Minister and to the Comptroller and Auditor General not later than 3 months after the day of dissolution.
- (2) For the purposes of subhead (1), the sponsoring Minister may specify that accounts may be prepared for a period that is longer or shorter than a financial year of the Agency.
- (3) The former Director of the Agency shall prepare and submit to the Sponsoring Minister the final annual report of the Agency not later than 9 months after dissolution of the Agency, and the sponsoring Minister shall, as soon as practicable thereafter, cause a copy of the final annual report to be laid before each House of the Oireachtas.
- (4) The sponsoring Minister shall be responsible for the pay and expenses of the Director of the Agency, if any, in fulfilling obligations under this Head after dissolution of the Agency.



## Head 43 – Members of staff of dissolved Agency

*Provide along the following lines:*

- (1) On the dissolution day all staff members of a dissolved Agency shall cease to be employed by the agency.
- (2) On the dissolution day, in respect of each staff member serving on secondment from another public body, the secondment shall be terminated.

## Head 44 – Records of dissolved Agency

*Provide along the following lines:*

On dissolution of the Agency, the Agency shall deposit with the sponsoring Minister all documents and records in the Agency's possession and the documents and records shall be deemed to be Departmental records within the meaning of section 2(2) of the National Archives Act 1986 from the date on which the records concerned are received.

## Head 45 – Availability of records of dissolved Agency for inspection by public under National Archives Act 1986

*Provide along the following lines:*

- (1) Records of a dissolved Agency that constitute Departmental records within the meaning of section 2(2) of the National Archives Act 1986 are, on the expiry of 30 years after the day of dissolution of the Agency, deemed to have been prescribed under section 8(11) of that Act as a class of records to which a certificate granted under section 8(4) of that Act may relate.
- (2) As soon as practicable after the date on which records of an Agency are deemed to have been prescribed as described in subhead (1), an officer of a Department of State authorised for the purposes of section 8(4) of the National Archives Act 1986 shall consider whether, subject to any consent required under that section, the Agency's records should be certified under that section.
- (3) Subject to this Head, the National Archives Act 1986 applies to records of an Agency that constitute Departmental records within the meaning of section 2(2) of that Act.

## Part 6 – Provision for identification of deceased persons

### Head 46 – Definitions

Provide definitions for the purposes of this Part along the following lines:

“analysis”, in relation to a sample and profile, includes comparison for the purposes of familial matching;

“body”, in relation to a deceased human person (including a foetus or stillborn child), means the body or a part of the body of the person and includes the decomposed or cremated remains of the person;

“capacity” has the same meaning as it has in the Assisted Decision-Making (Capacity) Act 2015;

“Director of FSI” means the officer who is for the time being in charge of FSI;

“Director of the Agency” means the person who is for the time being in charge of an Agency established by Government Order under Head 3 and to which has been assigned in the Order the function of identifying unknown deceased persons to be exhumed from a site specified in that Order;

“DNA”, means deoxyribonucleic acid;

“DNA (Historic Remains) Database System” means the database set up under Head 48;

“DNA profile”, in relation to a person, means information comprising a set of identification characteristics of the DNA derived from an examination and analysis of a sample of biological material that is clearly identifiable as relating to the person and that is capable of comparison with similar information derived from an examination and analysis of another sample of biological material for the purpose of analysis;

“elimination (Agency) Index” and “elimination (Prescribed Persons) Index” in relation to the DNA (Historic Remains) Database System, shall be construed in accordance with Head 58;

“familial match” means that there is sufficient correlation between the DNA sample retrieved from unidentified human remains and a DNA sample provided by a participant in an identification programme to indicate a likelihood that the unidentified person is related to the participant within the degree of relationship asserted by the participant.

“FSI” means Forensic Science Ireland of the Department of Justice and Equality;

“inadequately labelled”, in relation to a sample taken from a living person, means incorrectly labelled or labelled in such a manner that it is not possible to identify with certainty the person from whom the sample was taken;

“insufficient”, in relation to a sample, means, subject to Head 56, insufficient in quantity or quality for the purpose of enabling information to be produced by the means of analysis used or to be used in relation to the sample for forensic testing of it;

“sample”, means a biological sample taken, or to be taken, from a person under Heads 54 or 58 or from a body under Head 51;

“testing”, in relation to a sample, means the examination and analysis of the sample and the carrying out of biochemical or other scientific tests and techniques used in connection with the identification of persons or bodies, as may be appropriate, on the sample and includes the generation of a DNA profile from the sample in respect of a person.

## Head 47 – Powers to direct a Pilot Programme

*Provide along the following lines:*

- (1) This Head applies where an Order made by Government under Head 3 establishing an Agency assigns to the Agency the function of identifying the bodies of unknown deceased persons to be exhumed from a site specified in that Order.
- (2) The Director of the Agency shall direct a pilot programme of analysis to be carried out on bodies exhumed from the site specified in the Government Order.
- (3) The pilot programme may provide for –
  - (a) the taking of samples from a proportion of the bodies exhumed,
  - (b) the taking of samples from specific parts of the bodies only, and
  - (c) the testing of samples so taken,

in order to determine whether DNA profiles can be generated of sufficient standard to enable analysis which could reasonably lead to a familial match.
- (4) Subject to subheads (5) and (6), the Director of the Agency will, on the basis of the results from the pilot programme, determine whether to proceed to a full identification programme.
- (5) In making a determination, the Director of the Agency shall have particular regard to the proportion of samples tested from which DNA profiles were derived of sufficient standard to enable analysis.
- (6) The Director of the Agency shall not proceed to a full identification programme unless she or he has reason to believe that there is a reasonable prospect that bodies exhumed from a site may be identified through such a programme.
- (7) The Director of the Agency shall without undue delay inform the sponsoring Minister of her or his determination.
- (8) The Director of the Agency shall, within one week after notifying the sponsoring Minister, publish her or his determination and the reasons for it.

## Head 48 – DNA (Historic Remains) Database System

*Provide along the following lines:*

- (1) FSI will confidentially store all biological material and personal information collected by the Agency and forwarded to FSI for processing in accordance with this Part.
- (2) FSI will utilise a DNA Database System to confidentially store DNA profiles created in accordance with this General Scheme. This database will be known as the DNA (Historic Remains) Database.
- (3) The DNA (Historic Remains) Database may be a standalone database or may use the DNA Database System established under the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.
- (4) The DNA (Historic Remains) Database System shall contain the following indexes of DNA profiles:
  - (a) the unidentified human remains index;
  - (b) the family members index;
  - (c) the elimination (Agency) index;
  - (d) the elimination (Prescribed Persons) index.
- (5) These indexes may be utilised for the following purposes:
  - (a) to ascertain the potential existence of a familial match between two separate persons on the unidentified human remains index;
  - (b) to ascertain the potential existence of a familial match between a person or persons on the unidentified human remains index and a person or persons on the family members index;
  - (c) to ascertain whether a sample or samples may have been inadvertently contaminated by a person employed by or acting on behalf of the Agency or by another person of a class prescribed by the Director of the Agency having consulted the Director of FSI.
- (6) Nothing in the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 or in this Part authorises the use or exchange of any information collected, or DNA profiles generated under this Part other than in accordance with this Part
- (7) Subject to Head 32(6), biological samples and personal data collected, and DNA profiles generated under this Part shall be used only for the purposes set out in this Part.

- (8) It shall be an offence to use biological samples and personal data collected and DNA profiles generated under this Part for any other purposes save as provided under this General Scheme.



## Head 49 – Purposes of DNA Database

*Provide along the following lines:*

- (1) The purpose of the DNA (Historic Remains) Database is to facilitate the analysis of DNA profiles in order to achieve a familial match with a person or persons who believe they may be related to persons exhumed from a specified site.
- (2) The purpose of the Database will be facilitated by automated comparison of certain DNA profiles in the indexes defined in Head 50.

## Head 50 – Indexes of the DNA (Historic Remains) Database

*Provide along the following lines:*

- (1) Subject to Head 51, the Unidentified Human Remains index of the DNA (Historic Remains) Database shall comprise DNA profiles generated from biological samples taken from bodies exhumed by or on behalf of the Agency from a specified site and entered in that index.
- (2) The Family Members index of the DNA (Historic Remains) Database shall comprise DNA profiles generated from biological samples voluntarily provided by persons specified in Head 53 and subject to the conditions set out in that Head.
- (3) The Elimination (Agency) index in the DNA (Historic Remains) Database shall comprise DNA profiles generated from samples provided by staff of the Agency under Head 58.
- (4) The Elimination (Prescribed Persons) index in the DNA (Historic Remains) Database shall comprise DNA profiles generated from samples provided by persons prescribed by regulations made under Head 58.

## Head 51 – Taking of Samples from bodies to generate DNA Profiles

*Provide along the following lines:*

- (1) Subject to subhead (2), samples may be taken under this Head from bodies or from specified parts of bodies exhumed from a specified site for the purpose of generating a DNA profile in respect of each unknown deceased person to be entered into the unidentified human remains index of the DNA (Historic Remains) Database.
- (2) The Director of the Agency may authorise the taking of samples under this Head where, having completed a pilot programme in accordance with Head 47, she or he has determined that there is a reasonable prospect that bodies exhumed from a site may be identified through an identification programme.
- (3) Where the Director of the Agency has authorised the taking of samples under subhead (2), the samples may be taken by a member of staff of FSI or another person prescribed for that purpose.

## Head 52 – Functions of Agency in relation to Identification Programme

*Provide along the following lines:*

- (1) The objective of the identification programme is, where possible, to enable the identification of a body exhumed from a specified site based on analysis and familial matching so that family members of the unknown deceased person can be informed of the circumstances of the person's interment and, if practicable, have the remains returned to them for re-interment.
- (2) The Director of the Agency, with the consent of the Sponsoring Minister, may make regulations to facilitate the programme of identification which may include –
  - (a) specifying the evidence a person must provide in order to be included on the family members index;
  - (b) specifying conditions to be met and statements a person must supply if they are unable to provide full documentation under (a);
  - (c) specifying the content of any consent form in order to be included on the family members index;
  - (d) specifying the detailed conditions under which a familial identification, within the meaning of Head 56, will be notified to a person on the family members index or that person's nominee.
- (3) The Director of the Agency may request FSI to conduct a search of DNA profiles on the DNA (Historic Remains) Database in order to make a familial match.
- (4) Where a familial identification is made, the Agency will provide relevant information to each person on the family members index in accordance with Head 56.
- (5) The Director of the Agency will from time to time or on request by the Sponsoring Minister, report to the Sponsoring Minister on the progress of the identification programme.

## Head 53 – Who may participate in Identification Programme

*Provide along the following lines:*

- (1) This Head applies where a pilot programme undertaken under Head 47 has been completed and the determination of the Director of the Agency is to proceed to a full programme of identification of bodies exhumed from a specified site.
- (2) Subject to this Head, the Agency may invite people who believe, on reasonable grounds, that they may be the parent, child, sibling or half-sibling of a person believed to be deceased and to have been interred at a specified site to participate in an identification programme if they wish to do so.
- (3) The Agency shall accept the first person or persons set out in subhead (4) to participate in the identification programme in respect of any individual deceased person, and, where there is consent from that person or persons, each other person specified in that subhead.
- (4) The following persons may consent to being included on the family members index:
  - (a) a child of the deceased person, if the deceased person has no living spouse or civil partner or the spouse or civil partner consents; or
  - (b) a parent of the deceased person, if the deceased person has no living spouse or civil partner or child or the spouse or civil partner or child consents; or
  - (c) a sibling or a half-sibling of the deceased person, if the deceased person has no living spouse or civil partner or parent or child, or the spouse or civil partner consents or parent or child consents, or a parent or child whose consent would otherwise be required is unknown.
- (5) Notwithstanding the generality of subhead (4), where the consent of a parent of the deceased person would normally be required and the parent is living but has not provided that consent, the half-sibling of the deceased person may consent to be included on and may be included on the family members index if that parent is not also a parent of that half-sibling.
- (6) This subhead shall apply when the consent of a spouse or civil partner or parent or child ("person A") is required under subhead (4) in order for another person ("person B") to be accepted for participation in an identification programme, and person A is living but lacks the capacity to consent –
  - (a) the Agency may accept person B into the identification programme where he or she can demonstrate to the Agency's satisfaction that his

or her participation in the identification programme will not be detrimental to the best interests of person A, or

- (b) if person B cannot demonstrate to the Agency's satisfaction that his or her participation in the identification programme will not be detrimental to the best interests of person A, the Agency shall not admit person B to the identification programme.

## Head 54 – Taking of Samples from family members to generate DNA profiles

*Provide along the following lines:*

- (1) A person who has met the criteria for inclusion in the family members index may provide a biological sample for the purpose of generating a DNA profile for analysis for the purposes of familial matching
- (2) Samples may be taken from the person by a person authorised in that behalf by the Director of the Agency. A sample will be taken in the form of a sample of saliva or by another non-invasive process for the taking of non-intimate samples recommended by the FSI and approved by the Director of the Agency.
- (3) A sample under subhead (2) may be taken at the Agency office or another place nominated by the Director of the Agency, or, with the agreement of the authorised person taking the sample, at a place designated by the person giving the sample.
- (4) The authorised person shall, before taking a sample, ensure that the person giving the sample has provided the evidence required under Head 52, shall give to the person proposing to give a sample information on the programme of identification sufficient to enable them give informed consent and shall take the sample only after the person has given consent.
- (5) An authorised person shall not take a sample from a person who lacks the capacity to consent. If a question arises as to whether a person does or does not have the capacity to consent, the authorised person may request provision of a certificate by a registered medical practitioner specifying whether the person concerned does or does not have the capacity to consent.
- (6) A person may at any time withdraw consent to participate in the programme of identification by notifying the Agency in writing.
- (7) Where a person notifies the Agency in writing of their withdrawal of consent, the Agency shall –
  - (a) if the sample has not been sent to FSI, destroy the sample and return all associated records to the person together with written confirmation that the samples has been destroyed;
  - (b) if the sample has been sent to FSI, inform FSI that the person's consent has been withdrawn, and request destruction of the sample and any DNA profile which has been generated from it, and return all associated records held by the Agency to the person.

## Head 55 – Nominations

*Provide along the following lines:*

- (1) A person who consents to be included on the family members index may nominate not more than two people (“the nominees”) who they wish to be notified of any familial identification in the event that the person dies before an identification is made.
- (2) The Director of the Agency may, with the consent of the Sponsoring Minister, make regulations specifying the information that must be given to any nominees, the contact details which must be provided, and prescribing the consent form to be completed.
- (3) The details of a nominee shall be accepted by the Agency only where they have given their written consent in such form as may be prescribed.
- (4) A nominee may withdraw his or her consent to being notified of a familial identification by notice in writing to the Agency, and on receipt of such a notice the Agency shall delete the personal information of the nominee and shall notify him or her and the person who made the nomination of the deletion.
- (5) A person who makes a nomination may at any time withdraw the nomination by notice in writing to the Agency, and on receipt of such a notice the Agency shall delete the personal information of the nominee and shall notify the person who made the nomination and the nominee of the removal.



## Head 56 – Familial Identification

*Provide along the following lines:*

- (1) The Agency may notify a person on the family members index, or, as the case may be, a nominee under Head 55, of a familial identification if a familial match is made on the DNA (Historic Remains) Database and, on the balance of probabilities, the genetic and non-genetic data available is sufficient to suggest a strong likelihood of a familial link consistent with the relationship the person gave evidence of with a specific deceased person.
- (2) The Agency may notify a person on the family members index, or, as the case may be, a nominee under Head 55, of a familial identification if a familial match is made on the DNA (Historic Remains) Database and, on the balance of probabilities, the genetic and non-genetic data available is sufficient to suggest a moderate likelihood of a familial link consistent with the relationship the person gave evidence of with a specific deceased person.
- (3) A notification made under subhead (1) or (2) shall specify that on the basis of the information available to the Agency –
  - (a) that the genetic and non-genetic data available, tends to be consistent with the relationship they believe they share with a specific deceased person, and
  - (b) that whilst the information suggests a strong or a moderate likelihood of the proposed familial link, the outcome of the identification programme may not be conclusive.
- (4) The Agency may notify a person on the family members index, or, as the case may be, a nominee under Head 55, that a familial identification has not been made if a weak familial match or no familial match is made on the DNA (Historic Remains) Database and, on the balance of probabilities, the genetic and non-genetic data available is not sufficient to suggest a likelihood of a familial link consistent with the relationship the person gave evidence of with a specific deceased person.
- (5) A notification made under subhead (4) shall specify that on the basis of the information available to the Agency –
  - (a) that the genetic and non-genetic data available tended not to be consistent with or is insufficient to indicate the relationship they believe they share with a specific deceased person, and
  - (b) that whilst the information available is not consistent with or is insufficient to indicate the relationship they believe they share with a specific

deceased person; the outcome of the identification programme is not conclusive.

- (6) When making a notification under subhead (4), the Agency may, at its discretion, include information on the proportion of the bodies from which DNA profiles sufficient to enable analysis were generated.

## Head 57 – Notifications under Head 56

*Provide along the following lines:*

- (1) The Agency shall issue any notification in relation to a familial identification within the meaning of Head 56 to –
  - (a) each person on the family members index in respect of identification of a particular deceased person, or
  - (b) where the Agency has been notified or becomes aware of the death or loss of capacity of a person on the family member's index and there is no other person on the family members index in respect of the particular deceased person, to his or her first-named nominee, or
  - (c) where the Agency has been notified or becomes aware of the death or loss of capacity of a person on the family member's index and there is no other person on the family members index in respect of the particular deceased person, and of the death, loss of capacity or withdrawal of consent of the first-named nominee, to the second named nominee of the person on the family members index.
- (2) The notification shall be made in writing and sent to the address provided by the person on the family members index or the nominee unless another form of contact has been agreed between the Agency and the person or nominee.

## Head 58 – Taking of Samples for Elimination Purposes

*Provide along the following lines:*

- (1) A member of staff of the Agency shall provide a biological sample where requested to do so by the Director of the Agency, for the purpose of generating a DNA profile to be entered into the elimination (Agency) Index of the DNA (Historic Remains) Database.
- (2) A person prescribed in regulations made under this Head shall provide a biological sample where requested to do so by the Director of the Agency, for the purpose of generating a DNA profile to be entered into the elimination (Prescribed Persons) Index of the DNA (Historic Remains) Database
- (3) The Director of the Agency shall not make a request under subhead (1) or (2) unless it is reasonably necessary to do so having regard to the risk that a sample taken from a body under Head 51 or from a person under Head 54 may have been inadvertently contaminated by the member of staff or the prescribed person concerned.
- (4) The sponsoring Minister may make regulations –
  - (a) prescribing a person or class of persons for the purposes of subhead (2);
  - (b) setting out the circumstances in which samples may be taken under subhead (1) or (2);
  - (c) specifying the information to be given to those persons before samples are taken including in respect of destruction of samples and deletion of DNA profiles generated from them; and
  - (d) prescribing the form of consent required before samples are taken.

## Head 59 – Re-taking Samples:

*Provide along the following lines:*

- (1) Where a sample taken from a person under or in accordance with this General Scheme proves to be insufficient or was inadequately labelled or, for any other good reason, the Director of the Agency on advice from the Director of FSI considers it necessary for a second or further such sample to be taken from the person, a second or further such sample will be taken unless subhead (2) applies.
- (2) Where a sample, referred to in subhead (1) as insufficient or inadequately labelled or otherwise necessary to be re-taken, was taken from a person under Head 54 so that the person could be included on the family members index, a second or further sample shall not be taken unless the person consents.
- (3) Where subhead (1) applies, the individual will be advised –
  - (a) that the first mentioned sample has proved to be insufficient or was inadequately labelled, or of any other reason for requiring a second or further sample to be taken from him/her, as may be appropriate,
  - (b) of the purposes for which the sample will be taken,
  - (c) that the sample and DNA profile generated in respect of the person may be destroyed in accordance with Heads 60 and 61, and
  - (d) where the original sample was taken under Head 54 and the person does not consent to providing a second or subsequent biological sample, that it will not be possible for him or her to be notified of any familial match and that their personal details and those of any nominees held by the Agency or by FSI will therefore be deleted.

## Head 60 – Destruction of biological samples taken for purposes of DNA (Historic Remains) Database System

*Provide along the following lines:*

- (1) A sample taken from a person under Head 54, shall, if not previously destroyed, be destroyed not later than the expiration of 3 months after the date on which the following circumstances first apply to the sample:
  - (a) a DNA profile has been generated from the sample;
  - (b) the identification programme is complete;
  - (c) the person from whom the sample was taken withdraws his or her consent to participation in the identification programme;
  - (d) except as provided in Head 53 subhead (5), the Agency has established that a person whose consent is required under Head 53 subhead (4) has been properly identified and does not consent to the other person being included on the family members index.
- (2) Where the circumstances set out in subhead (1)(d) apply, the person whose sample is to be destroyed shall be informed of the fact and the reasons for it, and where the person appeals the decision the sample shall not be destroyed pending the outcome of any appeal.
- (3) A sample taken for elimination purposes under Head 58 will be deleted not later than the expiration of 3 months after the date on which the following circumstances first apply to the sample:
  - (a) a DNA profile has been generated from the sample;
  - (b) the identification programme is complete,
  - (c) it is confirmed that the person did not or could not have inadvertently contaminated another sample.

## Head 61 – Deletion of DNA profiles stored on the DNA (Historic Remains) Database System

*Provide along the following lines:*

- (1) A DNA profile generated from a sample taken from a person under Head 54 shall be deleted not later than the expiration of 3 months after the date on which the following circumstances first apply to the profile:
  - (a) all identification work has been completed;
  - (b) a notification in relation to each familial identification in respect of which the sample was provided has been made to the person to whom the profile relates or to their nominee;
  - (c) the person to whom the profile related withdraws his or her consent to participate in the identification programme;
  - (d) except as provided in Head 53 subhead (5), the Agency has established that a person whose consent is required under Head 53 subhead (4) has been properly identified and does not consent to the other person being included on the family members index.
- (2) Where the circumstances set out in subhead (1)(d) apply, the person whose DNA profile is to be deleted shall be informed of the fact and the reasons for it, and where the person appeals the decision the profile shall not be deleted pending the outcome of any appeal.
- (3) A DNA profile stored in the elimination indexes will be deleted not later than the expiration of 3 months after the date on which the following circumstances first apply:
  - (a) the identification programme is complete,
  - (b) it is confirmed that the person did not or could not have inadvertently contaminated another sample:

Head 62 – Review of operation of this Part insofar as it relates to the DNA  
(Historic Remains) Database System

*Provide along the following lines:*

The Minister of Justice and Equality may, at her or his own initiative or on request by the Sponsoring Minister, review the operation of this Part insofar as it relates to the operation of the DNA (Historic Remains) Database System.



## Head 63 – Request to FSI to destroy sample or delete, or remove from the DNA (Historic Remains) Database System

*Provide along the following lines:*

- (1) Where a sample taken under or in accordance with this General Scheme is required to be destroyed under Head 60 or the DNA profile generated from it is required to be deleted under Head 61 –
  - (a) the Director of the Agency may request, or cause to be requested the Director of FSI to have the sample destroyed or the DNA profile deleted, and associated personal information relating to the person who provided the sample deleted,
  - (b) the Director of FSI may, on his or her own initiative, have the sample destroyed or the DNA profile deleted, and associated personal information relating to the person who provided the sample deleted.
- (2) The Director of FSI shall comply with a request under subhead (1)(a).
- (3) Where the Director of FSI has a sample destroyed or a DNA profile deleted in accordance with subhead (1)(b), he or she shall inform the Director of the Agency of that fact.

## Head 64 – Requests for destruction of sample or deletion or removal from the DNA (Historic Remains) Database System of DNA profile

*Provide along the following lines:*

- (1) Where a person from whom a sample was taken under Head 54 requests the destruction of the sample and the deletion of any DNA profile generated from it, the Director of the Agency shall request the Director of FSI to arrange for that destruction and deletion as soon as may be.
- (2) The Director of FSI shall by notice in writing inform, or cause to be informed, the Director of the Agency that the sample has been destroyed and the profile deleted.
- (3) The Director of the Agency shall by notice in writing inform, or cause to be informed, the person who made the request of the destruction of the sample and the deletion of any DNA profile generated from it.

## Head 65 – Destruction of samples and deletion of DNA profiles taken from a body

*Provide along the following lines:*

- (1) A sample taken from a body under Head 51 shall, if it is not destroyed in the course of generating a DNA profile from it, be stored securely by FSI until –
  - (a) a familial identification, within the meaning of Head 56, is made and the family member or members determine what is to be done with the sample (which may, at their option, include re-interment with other remains exhumed from the same site), or
  - (b) where the identification programme has concluded without a familial match being made and it is not considered possible to achieve a familial match, by re-interment with other remains exhumed from the same site.
- (2) Where a sample taken from a body under Head 51 is to be reinterred with other remains exhumed from the same site, the Director of FSI shall, on request of the Director of the Agency, arrange for each such sample to be returned to the Agency for re-interment in accordance with Head 33.
- (3) A DNA profile created from a sample taken under Head 51 shall be deleted after –
  - (a) a familial identification, within the meaning of Head 56, is made,
  - (b) the identification programme has concluded without a familial match being made, and it is not considered possible to achieve a familial match,
  - (c) ten years after the date on which the sample was taken,whichever first occurs.

## Head 66 – Certain samples to be treated as samples under Head 54

*Provide along the following lines:*

- (1) Where the conditions set out in subhead (2) are met, samples provided by certain persons may be treated as though they were samples given under Head 54.
- (2) The conditions referred to in subhead (1) are –
  - (a) that the Orders referred to in Heads 3 and 4 have been made establishing an Agency to carry out works at a specified site, and the Government Order provides for an identification programme to be carried out in respect of bodies exhumed from the site,
  - (b) that a pilot programme within the meaning of Head 47 has been carried out and the Director of the Agency has authorised continuation to a full identification programme,
  - (c) that the person giving the sample reasonably believed that he or she was closely related to a person believed to have been interred at the site,
  - (d) that the person giving the sample did so voluntarily and on the basis of informed consent,
  - (e) that the sample was given prior to enactment of this General Scheme, and
  - (f) that the person giving the sample has provided the evidence referred to in Head 53 or no longer has capacity to consent to giving a sample under Head 54 or has died.

## Head 67 – Appeal to Adjudicator

*Provide along the following lines:*

- (1) In this Head, “adjudicator” means a person appointed by the Director of the Agency to hear an appeal against a decision made under this General Scheme.
- (2) Where a person informs the Agency by notice in writing that he or she wishes to appeal against a determination by a member of staff of the Agency or the Director, the Director shall appoint an independent suitably qualified person as an adjudicator to consider the appeal.
- (3) A person may appeal to the Adjudicator against—
  - (a) a determination that the person does not meet the criteria under Head 53 for inclusion on the family members index, or
  - (b) a determination under Head 56 that the genetic and non-genetic evidence available is not sufficient to make a positive familial identification.
- (4) An appeal under this Head shall be brought by notice in writing within 8 weeks of the date of issue of the determination referred to in subhead (3). The notice of appeal shall specify the basis for appeal and shall indicate whether the applicant wishes an adjudicator to hold an oral hearing on the appeal.
- (5) The Director of the Agency shall appoint an adjudicator within 4 weeks of receiving a notice of appeal and provide to that adjudicator all material relating to the determination which is the subject of appeal.
- (6) The adjudicator shall in any appeal consider all material provided relating to the determination and any evidence which may be provided in the course of an oral hearing (if any) and may –
  - (a) confirm the determination to the subject of the appeal,
  - (b) vary that determination, or
  - (c) where new or additional evidence is provided, cancel that decision and require the Agency to make a fresh determination taking that new or additional evidence into consideration.
- (7) The adjudicator shall make his or her decision within 12 weeks of being appointed and shall inform the person who made the appeal of his or her decision and the reasons for it.

## Head 68 – FSI Capacity to Contract

*Provide along the following lines:*

- (1) The Director of FSI may make such arrangements, including contractual arrangements as he or she considers appropriate with such other laboratories (whether within or outside the State) for the performance of the functions assigned to it under this General Scheme.
- (2) Arrangements under subhead (1) shall be subject to compliance with the requirements of this General Scheme and such terms and conditions as may be agreed.

## Head 69 – DNA Database System Oversight Committee

*Provide along the following lines:*

The Oversight Committee, provided for under Part 9 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, which is known as An Coiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA or, in the English language, as the DNA Database System Oversight Committee (in the 2014 Act referred to as “the Committee”) shall, in relation to the DNA (Historic Remains) Database System, perform the same functions as it does in respect of the DNA Database System under that Act.

## Part 7 – Other provisions

### Head 70 – Offences

*Provide along the following lines:*

Any person who commits an offence under Head 26, Head 29, Head 32 or Head 48 is liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months, or both.



## Head 71 – Consequential amendment

*Provide along the following lines:*

The restriction in section 46(4) of the Local Government (Sanitary Services) Act 1948 on exhumations being carried out other than under that section or the Coroners Act shall be amended so that it does not preclude an exhumation under Head 29 of this General Scheme.